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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,273	02/20/2002	Rajendra R. Damle	M-9927-1P US	4840

33031 7590 10/06/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/086,273	DAMLE, RAJENDRA R.
	Examiner	Art Unit	
	Kenneth R. Coulter	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9,18 and 19* is/are rejected.

7)☒ Claim(s) *7,8 and 10-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1 – 6, 9, 18, and 19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Anderson et al. (U.S. Pat. No. 6,094,575) (Communication System and

Method).

2.1   Regarding claim 1, Anderson discloses a frame structure comprising:

super-channel information, wherein

          said super-channel information comprises information regarding a super-

channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62 "Super Channel"; "Logical Sub

Channel"; "Each packet is formatted to be **entirely self-contained** within its portion of

the slot."); and

          said super-channel comprises a plurality of sub-channels linking a first and

second network element (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.2   Per claim 2, Anderson teaches the frame structure of claim 1, wherein

said super-channel information comprises a super-channel identifier and said

super-channel identifier identifies a super-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16

– 62).

2.3   Regarding claim 3, Anderson discloses the frame structure of claim 2, further

comprising:

sub-channel information (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.4   Per claim 4, Anderson teaches the frame structure of claim 3, wherein said sub-

channel information comprises:

a sub-channel identifier, wherein said sub-channel identifier identifies a sub-

channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.5   Regarding claim 5, Anderson discloses the frame structure of claim 4, wherein

said super-channel information further comprises:

a sub-channel bitmap, wherein each bit in said sub-channel bitmap represents an

operational state of a corresponding sub-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16

– 62).

2.6   Per claim 6, Anderson teaches the frame structure of claim 5, wherein said sub-channel bitmap comprises:

a bit corresponding to an operational state of said sub-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.7   Regarding claim 9,Anderson discloses the frame structure of claim 4, further comprising:

alternate super-channel information, wherein said super-channel information comprises an alternate super-channel identifier and said alternate super-channel identifier identifies an alternate super-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.8   Per claim 18, Anderson teaches the frame structure of claim 4, further comprising:

sub-channel state information, wherein said sub-channel state information conveys a state of said sub-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

2.9   Regarding claim 19, Anderson discloses the frame structure of claim 18, wherein said sub-channel state information conveys a state of a connection between a far-end transmitter and a near-end receiver over said sub-channel (Figs. 5A, 5B, 5C, 6; col. 76, lines 16 – 62).

Response to Arguments

3.   Applicant's arguments with respect to claims 1 – 6, 9, 18, and 19 have been

considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4.   Claims 7, 8, and 10 – 17 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KENNETH R. COULTER
PRIMARY EXAMINER

krc